REMARKS

Claims 1-14 are pending in the present application, claims 12-14 having been added herein. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

The Action states that no drawings were submitted with the application, and then quotes from 35 U.S.C. § 113, that the Applicant "shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented..." However, the Examiner did not specifically require submission of any drawings. Applicant respectfully submits that no drawings are necessary to understand the invention. Thus, in the absence of a specific requirement for a new drawing, one is not being filed at this point. Clarification of the record is respectfully requested.

Claims 2, 4, 7, 8 , 10, and 11 were rejected under 35 U.S.C. §112, second paragraph. Claims 2 and 4 have been amended to remove the alternative language. The alternative features have been recited in new claims 12, and 13-14. Claims 7, 10 and 11 have been amended, and where necessary, broken out into new claims 15-16, to remove the word "possibly".

This rejection is respectfully traversed with respect to the use of the trademark JAVA and JAVA CARD in claims 7 and 8. Applicant notes that the MPEP, §2173.05(u) states that "the presence of a trademark or trade name in a claim is not, *per se*, improper under 35 U.S.C. § 112, second paragraph, but the claim should be carefully analyzed to determine how the mark or name I used in the claim. Here, the use of JAVA and JAVA CARD is not meant to be a source indicator. Java and Java

Card are not only trademarks, but they are de facto industry standards. The JavaCard standard is defined and maintained by Sun Microsytems, which is not a smart card manufacturer. Therefore, Java Card, as used in Applicant's claims, does not identify the source of the goods, but compliance with the de facto standard. There are many smart card manufacturers (Gemalto, Oberthur, G&D, WatchData, Datang, Eastcompeace, etc.). In order the enable smartcards to interoperate (*e.g.*, to allow a customer to benefit from multi-sourcing, etc.) the javacard standard was defined, so that smart cards complying with javacard are interchangeable insofar as javacard standardized features are concerned. A search of the PTO patent database finds 8 patents which use the word JAVA and/or JAVA CARD in the claims, including the last two patents of which are owned by Sun Microsystems: U.S. Patent Nos. 7,702,872; 7,680,275; 7,467,376; 7,068,995; 7,020,872; 6,978,358; 7,503,064; and 7,278,582. Applicant respectfully submits that under these circumstances, the use of Java and/or Java Card in claims 7 and 8 (and amended claim 1) are permitted and do not violate 35 U.S.C. § 112, second paragraph.

For these reasons, withdrawal of this rejection is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,127,605 to Montgomery. Claims 9-11 were rejected under 35 U.S.C. §103 as being unpatentable over Montgomery in view of U.S. Patent No. 6,659,573 to Bischof. These rejections are respectfully traversed for the following reasons.

Claim 1 recites a method for controlling access to data handled by

references in a system for executing programs, the programs including processes and

tasks, wherein upon executing a program, the method comprises the steps of 1) having

the system store an entire set of references which the program obtains by means

considered as licit, the program comprising code from a single Java Card package; 2)

before any operation intended to be forbidden in case the operation deals with values

which are not licit references, having the system check that the values are among the

licit references which have been stored for this program, and 3) accepting the operation,

responsive to the step of checking, when the checking determines the values are

among the licit references, and rejecting the operation responsive to the step of

checking, when said checking determines the values are not among the licit references.

This is not taught, disclosed or made obvious by the prior art of record.

Applicant notes the Examiner's indication on page 4 of his interpretation of

the words "licit" and "illicit" and other claim language. Without conceding that the

Examiner's interpretation is correct, Applicant respectfully submits that whatever the

interpretation of the claim terms used, Montgomery does not anticipate the claimed

invention.

Specifically, Montgomery discloses a method of sharing data between two

different application packages (cf., claim 1 or col. 2, lines 43-67). The existence of this

kind of method is acknowledged in the present patent application, in particular on page

2, lines 11-22:

> For example, in the Java Card (registered trade mark of Sun
> Microsystems) language, the programs are organized in packages inside

which data sharing (objects and tables) is free. On the other hand, access to data which belong to another package is limited by two devices: a mechanism for requesting access and a "firewall" mechanism. Indeed, in order to access a datum which one does not own, it is necessary to form the request to the package which owns it, a request which it may accept or refuse. Moreover, the firewall filters out all the operations that may be performed on a datum, regardless of the means by which it was obtained. In particular, any reading or writing operation on an object from another package is forbidden, except for calling a method (program routine) explicitly declared by this package as being shareable.

See also page 4, lines 14-23:

For example, in Java Card, an applet which has a reference to an object, may access a field of this object (or an element, if the object is a table) provided that the object belongs to the same package as this applet. On the other hand, if the object belongs to another package (also different from JCRE), any access attempt is stopped by a firewall mechanism and results in an exception being raised (of the "SecurityException" class). A reference is therefore not intrinsically dereferenceable or undereferenceable: it is a property specific to the agent which has the reference and to the access rights which it has on the referenced datum or not.

The invention according to claim 1 is different. It comprises an initial step of storing the whole set of references obtained in a licit manner by the program. This step is not present in Montgomery.

For at least these reasons, Applicant respectfully submits that claim 1 is patentable over the prior art of record. Bischof, cited in connection with claims 9-11, does not remedy the deficiency noted above with respect to Montgomery. Claims 2-15 are believed to be patentable in and of themselves, and as they depend from and include the limitations of claim 1 which is patentable for the reasons discussed above.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record.

Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /Ronni S. Jillions/
      Ronni S. Jillions
      Registration No. 31,979

RSJ:me
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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